

### **REMARKS**

Claims 28 to 45 are pending in this application. Claims 14 and 16 to 27 have been rejected and cancelled. Claims 28 to 45 are new. Support for the new claims can be found in paragraphs, including, but not limited to, [56] to [68], and [89] to [118]. In view of foregoing amendments and following remarks, the applicants request allowance of the application.

#### **Claim Rejections under 35 U.S.C. §112**

The rejection of claims 14, 16 to 24, and 27, which were rejected as being indefinite, should be withdrawn since these claims have since been cancelled.

#### **New Claims/Rejections under 35 U.S.C. §103(a)**

Claims 14 and 16 to 27 were rejected as being unpatentable over Baer in view of Shaver and/or Shaver in further view of Bera. New claims 28 to 45 should be allowable over the cited references because these references do not teach all the elements of the claimed invention.

Consider, for example, certain elements of claim 28 reciting:

***identifying***, in the pricing formula, ***a price calculation operation*** to calculate a price from a price input variable, ***a mathematical operation*** to calculate successive values of a changing value variable, and ***a logical operation*** to conditionally perform an operation depending on a state of a logical operation input variable;

***selecting, using a processing device, a converter node, a processing node, an ending node, and a decision node from a pre-stored library*** of generic nodes designed to be copied and assembled into the tree structure;

***configuring the converter node***, using the processing device, to store as parameters an initial input variable, the price input variable, and a unit conversion operation to convert the initial input variable to a unit of measurement compatible with the price input variable;

***configuring the processing node*** to store as parameters the changing value variable, changed values of the changing value variables, and the mathematical operation;

***configuring the decision node*** to store as parameters the logical function input variable and the logical operation;

***configuring the ending node*** to store as parameters the price input variable and the price calculation operation; and

***linking, through the processing device, each of the configured converter, processing, decision, and ending nodes*** to one of the other nodes to form the tree structure, an order of the linking establishing a sequence in which an operation stored in a parameter of a respective node is executed, ***wherein the price calculation operation is executed last in the sequence to generate a net price.***

By its express terms, this claim requires identifying in the pricing formula a mathematical operation to calculate successive values of a change value variable, a logical operation to conditionally perform an operation, and a price calculation operation. Baer, which relates to generating a tree structure representing test cases of computer software, does not disclose these limitations. While Shaver discloses generating pricing structures from business rules including expression using operators including: if, and, not, or, <, >, min, max, +, -, \*, /, and ( ), (see, e.g., Shaver at ¶¶ [28]-[29]), Shaver does not disclose identifying the operations and variables in the pricing formula as claimed.

The claims also require selecting a converter node, processing node, ending node, and decision node from a pre-stored library of nodes, and configuring the converter node to store as parameters the initial input variable, the price input variable, and a unit conversion operation to convert the initial input variable to a unit of measurement compatible with the price input variable; configuring the processing node to store as parameters the changing value variable, changed values of the changing value variables, and the mathematical operation; configuring the decision node to store as parameters the logical function input variable and the logical operation; and configuring the ending node to store as parameters the price input variable and the price calculation operation. While Baer discloses a library storing nodes, none of the cited references disclose selecting and configuring the converter node, processing node, ending node, and decision node to store as parameters the claimed variables and/or operations.

Finally, the claim also requires linking, through the processing device, each of the configured converter, processing, decision, and ending nodes to one of the other nodes to form the tree structure, an order of the linking establishing a sequence in which an operation stored in a parameter of a respective node is executed, wherein the price calculation operation is

executed last in the sequence to generate a net price. None of the cited references disclose linking the configured nodes as claimed wherein the price calculation operation is executed last in the sequence.

Since none of the references teach at least these elements of claim 28, claim 28, and claims 29 to 36 that depend on claim 28, should be allowable over the cited art.

Claim 37 is directed to a device comprising a computer readable medium storing instructions, and includes limitations similar to those found in claim 28. Accordingly, claims 37 and 38 to 45 that depend on claim 37 should be allowable over the cited art for the same reasons as claim 28.

**Baer is Non-Analogous Art**

Claims 28 to 36 are all directed to a method for restructuring a pricing formula into a tree structure. Claims 37 to 45 are directed, in part, to a device comprising a computer readable medium storing instructions for restructuring a pricing formula into a tree structure. Baer, however, as discussed in the Field of the Invention section of the Specification, relates to a software test system which employs a graphical user interface to enable automated generation of test case tree structures. This field is entirely distinct from and non-analogous to the field of the claimed invention, which relates to restructuring a pricing formula for determining the cost of goods or services into a tree structure. Accordingly, Baer is non-analogous art, does not teach or suggest the features of the claims, and should not be considered.

**CONCLUSION**

All outstanding rejections have been overcome. It is respectfully submitted that, in view of the foregoing amendments and remarks, the application is in clear condition for allowance. Issuance of a Notice of Allowance is earnestly solicited.

Although not believed necessary, the Office is hereby authorized to charge any fees required under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayments to Deposit Account No. 11-0600.

The Office is invited to contact the undersigned at 212-908-6451 to discuss any matter regarding this application.

Respectfully submitted,  
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